

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Devar Spencer

Docket Number: 02-00449-026

PACTS Number: 32496

Name of Sentencing Judicial Officer: HONORABLE Dennis M. Cavanaugh

Date of Original Sentence: 11/15/2002

Original Offense: Conspiracy to Distribute Controlled Substances

Original Sentence: 46 months imprisonment; 4 years supervised release.

Type of Supervision: Supervised release

Date Supervision Commenced: 09/26/05

Assistant U.S. Attorney: Melissa Jampol, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Original Defense Attorney: Rena Rothfield (Appointed), 19-21 W. Mt. Pleasant Avenue, Livingston, New Jersey 07039, (973) 740-3987

PETITIONING THE COURT

- [X] To issue a warrant to act as a detainer
[] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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| 1 | The offender has violated the supervision condition which states ' You shall not commit another federal, state, or local crime. ' |
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The offender was arrested on June 15, 2008, in Jersey City, New Jersey and charged with receiving stolen property, possession of controlled substances (CDS), distribution of CDS, possession of CDS on school property, possession of a weapon for unlawful purpose, committing a drug offense, unlawful possession of a weapon, and felon in possession of a weapon. He is presently incarcerated at the Hudson County Correctional Facility.

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| 2 | The offender has violated the supervision condition which states ' You shall not |
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commit another federal, state, or local crime.'

On March 10, 2006, the offender was issued a summons for obstructing a public passage in Jersey City, New Jersey. The incident occurred on 458 Bergen Avenue (in the vicinity of Bergen and Lexington Avenues). On March 28, 2006, he appeared in Municipal Court, pled guilty to the charge, and received a \$133 fine.

- 3 The offender has violated the supervision condition which states '**The defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm.'**

As evidenced by his June 15 arrest, the offender illegally possessed a handgun.

- 4 The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'**

The offender has not submitted any monthly supervision reports since December 2006 despite being reminded to so on repeated occasions.

- 5 The offender has violated the supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.'**

After being cited for obstructing a public passage (458 Bergen Avenue) on March 10, 2006, the offender was instructed to refrain from frequenting that area as it is well known for illegal drug sales and gang-related activities. However, according to the FBI, the offender was again observed in the area on February 1, 2008, and was a witness to a shooting. The offender subsequently transported the shooting victim to the hospital. The offender failed to follow the instructions given to him by the probation office by continuing to frequent that neighborhood.

- 6 The offender has violated the supervision condition which states '**You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.'**

As indicated above (charge # 5), the offender was observed in the area of Bergen and Lexington Avenues in Jersey City on at least two occasions. This area is well-known for narcotics trafficking and is within the territory of the Lex Mob street gang.

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The offender has violated the supervision condition which states '**You shall notify the probation officer with in 72 hours if arrested or questioned by a law enforcement officer.**'

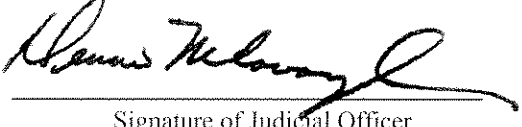
On April 3, 2008, the offender was interviewed by agents of the FBI and representatives of the U.S. Attorney's Office regarding a shooting that occurred in Jersey City on February 1, 2008 which he was a witness to. The offender never reported this law enforcement contact to the probation officer.

I declare under penalty of perjury that the foregoing is true and correct.

By: Cayetano Castellano
U.S. Probation Officer
Date: 6/17/08

THE COURT ORDERS:

- ☒ The Issuance of a Warrant to Act as a Detainer
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer

17 JUNE 2008
Date